IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 11686 of 2004

Between:

K. Shivaram, S/o. Saibanna,
R/o.H.No.1-83, Neradagom Village,

Maganoor Mandal, Mahaboobnagar District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority,
(Regional Transport Officer) Mahaboobnagar.
2 The Motor Vehicle Inspector, Mahaboobnagar.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the seizure and continued detention of Petitioner's Vehicle LMV Mahindra Jeep bearing of R.No.AP 22/B-4847 seized under Vehicle check report No.530841 dt. 21-4-2004 by the 2nd respondent i.e. the Motor Vehicles Inspector, Mahaboobnagar, as illegal, unjust, arbitrary, unconstitutional and without jurisdiction and consequently direct the respondents to release the Petitioner's Vehicle LMV Mahindra Jeep R.No. AP 22/B-4847 forthwith to the Petitioner.

Counsel for the Petitioner:MR.RAJANIKANTH JWALA

Counsel for the Respondents: The Government Pleader for TRANSPORT

The Court at the admission stage made the following ORDER:

The second respondent seized the vehicle of the petitioner bearing No.AP22 D 4847 under a check report No.530841, dated 21-04-2004 for committing certain irregularities. The question as to whether the petitioner has committed any irregularities or not has to be decided by the appropriate authority. The petitioner also made a representation to the first respondent for grant of interim custody of the vehicle in question but the same has not been considered. It is not desirable to keep the vehicle idle exposing to sun and rain, which causes damage to the vehicle. Therefore, interim release of the vehicle in question can be given to the petitioner.

Having regard to the facts and circumstances of the case, the respondents are directed to return the vehicle bearing No.AP22 D 4847 to the petitioner on his depositing Rs.5,000/- (Rupees Five Thousands only) with the following conditions:

a. that the petitioner shall not alienate or transfer the vehicle in question;

b. that the petitioner shall produce the vehicle in question as and when required by the concerned authority.

With the above directions, the writ petition is disposed of. In the circumstances, no costs.

9th JULY, 2004.

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To

1 The Secretary, Regional Transport Authority,
(Regional Transport Officer) Mahaboobnagar.
2 The Motor Vehicle Inspector, Mahaboobnagar.

3 Two CD copies.